

**BEFORE THE
FEDERAL ELECTION COMMISSION**

In Re:

American Democracy Legal Fund
455 Massachusetts Avenue NW
Washington DC 20001

Complainant,

vs.

Republican National Committee et. al.

Respondents.

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FEDERAL ELECTION
COMMISSION

**Response of Lisa Murkowski for U.S. Senate Committee
to the Second Supplemental Complaint**

This is the response of the Lisa Murkowski for U.S. Senate Committee and its treasurer Catherin Straub ("Murkowski campaign") to the letter from the Federal Election Commission received on October 6, 2014 which notified the Murkowski campaign, for the first time, that it has been named as a respondent in the Second Supplemental Complaint filed by the Complainant in this matter.

The Murkowski campaign has apparently been named as a respondent based on Exhibit III to the Second Supplemental Complaint. That document is a printout of a list compiled by the Complainant which purports to be a list of operating expenditures made by a large number of entities. The Murkowski campaign is listed as having made two payments to i360 in May of 2015 totaling \$4,000. Those payments are said to be for "Portal set up and monthly fee" and for "Online Service." No back up is provided and no copies of any reports filed by the Murkowski campaign have been attached to the Second Supplemental Complaint. Exhibit III is unauthenticated, and unsworn and should not be relied upon by the Commission staff.

There are no specific allegations made against the Murkowski campaign. There is no contention and no evidence that the Murkowski campaign obtained any data or information from i360. There is only the unsupported suggestion that the Murkowski campaign paid for a "portal set up and monthly fee" and "on-line service." There is nothing to suggest that the Murkowski campaign has "entered into any agreements with Data Trust, i360 or both to obtain and manager (sic) their voter data or made disbursements to i360 to create public communications..." as

broadly asserted on page 13 of the Second Supplemental Complaint. The only suggestion regarding the Murkowski campaign is that it has paid money to i360—there is no evidence that it has shared voter data, or used i360 to create public communications. Therefore there is no basis in the complaint on which to determine that it sets forth a possible violation of the Federal Election Campaign Act of 1971 (as amended) (“the Act”). The Commission staff should therefore close the file.

Beyond the fact that the Second Supplemental Complaint failed to establish any violation of the Act, the broader allegations of the complaint and related documents do not appear to be based on a correct understanding of the law and the facts. i360 is a commercial database vendor which provides services for a fee. It does not provide any method for communication of strategic campaign information and does not provide its clients with any non-public strategy or plans. The fact that it is apparently being used in some fashion by 13 candidates for the 2016 Republican nomination for President establishes that fact. Certainly those campaigns would not want a vendor to share any plans, strategy, data or information with their opponents’ campaigns.

The complaint, in so far as it relates to the Murkowski campaign, is without merit. It does not establish or even suggest that the Murkowski campaign has engaged in improper coordination under the applicable law or otherwise violated the Act. It should be dismissed in its entirety.

Respectfully submitted



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